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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,360

10/14/2005

Christopher Bernard Davies

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EXAMINER

MONFELDT, SARAH M

ART UNIT

PAPER NUMBER

3684

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DELIVERY MODE

05/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/553,360	Applicant(s) DAVIES ET AL.	
	Examiner SARAH M. MONFELDT	Art Unit 3684	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-14, 16-30, 34, 35 and 37-45.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 23 Feb. 2009
 13. ☐ Other: _____.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3684

/Sarah M Monfeldt/
Examiner, Art Unit 3684

Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because:

Applicant canceled claims 31-32 and 36, therefore the rejections with respect to these claims has been withdrawn in view of their cancelation.

Applicants Arguments remain unpersuasive for the reasons set forth in the Final Office Action:

103 Arguments with respect to independent claim 1:

Please note that Beradi et al. is utilized to teach "a first part of authorization data" and "identity information for said mobile device" not Adam as argued at pg. 16 of Applicants response.

Adam et al. -

As presented in the Office Action Adam et al. teaches:

ii) at least one server device for providing data and/or processes to support a transaction using the at least one client device, said transaction including verification of authorisation data;

See paragraphs [0038], [0039] ("server comprises ... a database which merchants' and customers' details, balance, credit limitations and any additional information details are stored..., interface adapted to facilitate communication between the administering server to a plurality of merchant communication units, ..."), [0115] (CSC controls the transactions carried out by the customers and merchants), [0128] (administering server 3, CSC, administers account of merchants, and customers whose details and balance (or credit limitations) are maintained in a database by the CSC), [0129] ("the customer's and merchant's identification details are verified with reference to the data stored in the CSC database and the transaction amount to be paid is compared with the balance of the customer's account or his credit limits") of Adam et al..

See at least paragraph [0028] (the communication unit is adapted to identify the mobile phone by receiving an identifying RF signal from the mobile phone); [0168] ("[o]nce POS 52 has received the customer's (or his mobile phone) identification details in communication message 56..." of Adam et al.

Beradi et al.

As the rejection points out, Beradi et al. teach "at least one client device adapted to receive from a mobile device a first part of the authorization data and identity information for said mobile device and send said first part of the authorization data and the mobile device identity information to the at least one server", (see at least col. 5, ll. 6-7 ("transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104"); see at least col. 18, ll. 39-52 (verification PIN may be provided to the POS using ... a RFID keypad in communication with the RFID reader", "the verification PIN may be provided to a payment authorization center to determine whether the PIN matches the PIN stored on the payment authorization center database which correlates to the fob account") of Berardi et al.)

***Please note at col. 5, ll. 6-9 of Berardi et al states:

"The transponder 102 may provide the transponder identification and/or account identifier to the RFID reader 104 which may further provide the information to the merchant system 103 POS device 110."

***Please further note at col. 1, l. 67 through col. 2, l. 3 of Berardi et al recognizes:

"Fob identification data is typically passed to a third party server database, where the identification data is referenced to a customer (e.g. user) credit or debit account."

***As pointed out above Beradi et al. teaches the first part and the identity information. Moreover, Adam teaches a central database that correlates mobile device information with customer details.

Campisano

Campisano shows the linking of (1) an identification, i.e. phone number, to (2) a second part, i.e. a credit card number, and (3) a first part, i.e. corresponding PIN. Where (1) the phone number of Campisano being related to the phone identity as claimed and as shown by Beradi et al., (2) the PIN of Campisano being related to the first authorization as claimed and as shown by Beradi et al., (3) the card number of Campisano being related to the second part of the authorization and as shown by Adam, i.e. customers details, balance, credit limitations which are associated with the customer's (or his mobile phone) identification details.

See at least col. 1, ll. 46-51 ("cross-linking the cardholder's phone number to the credit card number and providing the customer with a corresponding PIN"; col. 2, ll. 22-24; col. 2, ll. 32-34; col. 2, ll. 42-43; col. 4, ll. 6-11 ("plurality of cards have the option of selecting multiple PINs, each of which would correspond to different cards"); col. 4, ll. 26-30; col. 4, ll. 42-45 of Campisano.

The Examiner also directs Applicants to paragraph [0014] of the present application:

[0014] Preferably, the apparatus is provided with a mapping capability for mapping the first part of the authorisation data to the second part. This might be in the form of a data table, listing authorised first parts against appropriate second parts. An example would be a list of PINs, or PIN-specific code, mapped to financial data. One mobile device may be associated with more than one PIN, each being mapped directly

or indirectly to a different set of financial data. Preferably, the mapping capability is provided by the at least one server device, and not a client device, for increased system security.

103 Arguments with respect to independent claim 14:

The Examiner directs Applicants to the above arguments for claim 1 as the Applicants arguments set forth for claim 14 are the same or substantially similar to that presented for claim 1.

o 103 Arguments with respect to independent claim 26:

As pointed out by Applicants the only substantive difference is that claim 14 refers to financial data to "complete" a transaction whereas claim 26 refers to financial data to "support" a transaction. Applicant further state that otherwise the differences are merely minor matter of nomenclature such as using "mobile device identity information" in place of "identity information."

As such, the Examiner directs Applicants to the above arguments for claim 14 and 1 as the Applicants arguments set forth for claim 26 are the same or substantially similar to that presented for claim 14 and 1.

o 103 Arguments with respect to independent claim 31:

Applicants arguments are not persuasive as the rejection set forth was Adam in view of Nguyen. In particular, as presented in Office Action see at least paragraph [0177] of Adam et al. ("after the completion of the transaction an additional message may be communicated to the customer's mobile phone providing him with a storable proof of purchase..."); see at least Figs. 3-4, paragraph [0018] ("transaction data that needs to be delivered, ... (a) specific destination mobile device address; (b) the type of delivery service, for example, short message or electronic mail...", "associated with each financial account ID is a list of service attributes including, but not limited to, the mobile device address and the type of service delivery...").

**The Examiner notes that Applicants rolled claim 33 into claim 31, however, claim 31 was further amended to incorporate limitations that were not presented in the previous Office Action therefore requiring further search and consideration.

103 Arguments with respect to independent claim 34:

The Examiner requests clarification of amendments presented for claim 34, in the claim amendments presented by Applicants do not match up with the claim 34 presented in the previous Office Action. For instance pg. 8 of the current claim set recites "an input device that receives for receiving identifiers;", the Examiner notes that "an input for receiving identifiers" was not recited as such in claim 34 as presented in the previous Office Action. Appropriate correction and clarification is required by Applicant.

Applicants argue "price list" however the specification as filed does not provide guidance as to what is inclusive for the term "price list" nor does the specification as filed provide an explicit definition for the term.

Applicants arguments are moot since Applicants are arguing limitations that are no longer present in the claim.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an example of processing of a price list of a transaction by applying user specific data is for a loyalty scheme in which a user may have a discount arising from their purchasing history) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

103 Arguments with respect to independent claim 37:

Applicants arguments are moot in view of new grounds of rejection.

Please note that different addresses can encompass SMS (mobile phone number) or email (Mobile IP address).